

REMARKS

Claims 1, 12, and 13 have been amended. Claims 1 through 13 remain in the application. A marked up copy of the amended claims is attached hereto as Appendix A.

Claims 1, 3, and 11 were rejected under 35 U.S.C. § 103 as being unpatentable over Perlot (U.S. Patent No. 5,092,650) in view of Blair (U.S. Patent No. 4,127,299). Applicant respectfully traverses this rejection.

U.S. Patent No. 5,092,650 to Perlot discloses a bed for a recreational vehicle. A motor home 10 includes a bed 12 mounted within a front portion 14 thereof. The motor home 10 has, in its interior, a side wall 18 on the passenger side and a side wall 20 on the drivers side. Perlot does not disclose a second passageway located adjacent a floor and vertically above at least one front wheel and at least one second wheel and longitudinally between a first door and at least one rear wheel and extending transversely between an interior and an exterior of the motor vehicle for loading and unloading items through the second passageway with the second passageway having a width thereof at least equal to a height thereof.

U.S. Patent No. 4,127,299 to Blair discloses an expanding camper arrangement. A trailer 1 has a first modular camper body 8 resting thereon and a second modular camper body 11 resting thereon rearwardly of the camper body 8. The camper body 8 has outwardly projecting compartments 9 and 10 which extend rearwardly and fit into recesses on the outside of the other camper body 11. The compartment 9 of the camper body 8 has a door 16 through which occupants leave and enter, and also windows 17, 18, and 19 which provide light and ventilation. The compartment 10 and a portion of the compartment 9 enclose space which can be used for hauling cargo or storage. This space is accessible through doors 20, 21, and 22 in the sides of the compartments. Blair does not disclose a motor vehicle including a vehicle body extending longitudinally and having sides, a floor, and a roof defining an interior, at least one front wheel

operatively connected to the vehicle body, at least one rear wheel operatively connected to the vehicle body, and a second passageway located adjacent a floor and vertically above the at least one front wheel and the at least one rear wheel and longitudinally between a first door and at least one rear wheel and extending transversely between an interior and an exterior of the motor vehicle for loading and unloading items through the second passageway with the second passageway having a width thereof at least equal to a height thereof and a second door connected to the vehicle body and rotatable longitudinally to open and close the second passageway.

In contradistinction, claim 1, as amended, clarifies the invention claimed as a motor vehicle including a vehicle body extending longitudinally and having sides, a floor, and a roof defining an interior. The motor vehicle also includes at least one front wheel operatively connected to the vehicle body and at least one rear wheel operatively connected to the vehicle body. The motor vehicle includes a first passageway located longitudinally between the at least one front wheel and the at least one rear wheel and extending transversely between the interior and an exterior of the motor vehicle and having a height greater than a width thereof to allow an occupant to enter and exit said interior. The motor vehicle includes a first door connected to the vehicle body and rotatable longitudinally to open and close the first passageway. The motor vehicle further includes a second passageway located adjacent the floor and vertically above the at least one front wheel and the at least one rear wheel and longitudinally between the first door and at least one rear wheel and extending transversely between the interior and an exterior of the motor vehicle for loading and unloading items through the second passageway. The second passageway has a width thereof at least equal to a height thereof. The motor vehicle further includes a second door connected to the vehicle body and rotatable longitudinally to open and close the second passageway.

The United States Court of Appeals for the Federal Circuit (CAFC) has stated in determining the propriety of a rejection under 35 U.S.C. § 103(a), it is well settled that the obviousness of an invention cannot be established by combining the teachings of the prior art absent some teaching, suggestion or incentive supporting the combination. See In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 U.S.P.Q. 657 (Fed. Cir. 1985); ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 221 U.S.P.Q. 929 (Fed. Cir. 1984). The law followed by our court of review and the Board of Patent Appeals and Interferences is that “ [a] prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.” In re Rinehart, 531 F.2d 1048, 1051, 189 U.S.P.Q. 143, 147 (C.C.P.A. 1976). See also In re Lalu, 747 F.2d 703, 705, 223 U.S.P.Q. 1257, 1258 (Fed. Cir. 1984) (“In determining whether a case of prima facie obviousness exists, it is necessary to ascertain whether the prior art teachings would appear to be sufficient to one of ordinary skill in the art to suggest making the claimed substitution or other modification.”)

None of the references cited, either alone or in combination with each other, teach or suggest the claimed invention of claim 1. Specifically, Perlot ‘650 merely discloses a bed for a recreational vehicle such as a motor home having, in its interior, a side wall on a passenger side and a side wall on a drivers side. Perlot ‘650 lacks a second passageway located adjacent a floor and vertically above at least one front wheel and at least one rear wheel and longitudinally between a first door and the at least one rear wheel and extending transversely between an interior and an exterior of the motor vehicle for loading and unloading items through the second passageway with the second passageway having a width thereof at least equal to a height thereof. Blair ‘299 merely discloses an expanding camper arrangement in which a compartment of a

camper body has a door through which occupants leave and enter, and also space which can be used for hauling cargo or storage that is accessible through doors in the sides of the compartment. Blair '299 lacks a motor vehicle including a vehicle body extending longitudinally and having sides, a floor, and a roof defining an interior, at least one front wheel operatively connected to the vehicle body, at least one rear wheel operatively connected to the vehicle body, and a second passageway located adjacent a floor and vertically above the at least one front wheel and the at least one rear wheel and longitudinally between a first door and the at least one rear wheel and extending transversely between the interior and an exterior of the motor vehicle for loading and unloading items through the second passageway with the second passageway having a width thereof at least equal to a height thereof and a second door connected to the vehicle body and rotatable longitudinally to open and close the second passageway. There is no suggestion or motivation for combining Perlot '650 and Blair '299 together.

Applicant is not attacking the references individually, but is clearly pointing out that each reference is deficient and, if combined (although Applicant maintains that they are not combinable), the combination is deficient. The present invention sets forth a unique and non-obvious combination of a motor vehicle having a passageway that permits easy access to/from an interior of the motor vehicle for cleanly, conveniently and quickly loading/unloading items into/from the motor vehicle. The references, if combinable, fail to teach or suggest the combination of a motor vehicle including a second passageway located adjacent a floor and vertically above at least one front wheel and at least one rear wheel and longitudinally between a first door and the at least one rear wheel and extending transversely between an interior and an exterior of the motor vehicle for loading and unloading items through the second passageway and a second door connected to a vehicle body and rotatable longitudinally to open and close the second passageway as claimed by Applicant. The Examiner has failed to establish a case of

prima facie obviousness. Therefore, it is respectfully submitted that claim 1 and the claims dependent therefrom are allowable over the rejection under 35 U.S.C. § 103.

Claims 2, 4 through 10, 12, and 13 were rejected under 35 U.S.C. § 103 as being unpatentable over Perlot '650 in view of Blair '299 and further in view of Antos et al. (U.S. Patent No. 5,746,466). Applicant respectfully traverses this rejection.

U.S. Patent No. 5,746,466 to Antos et al. discloses a flush service door for a RV. A RV door assembly 20 is installed in a cutout or opening in a wall 22 of a recreational vehicle 24. The recreational vehicle 24 can be a motor home. The door assembly 20 both provides access to and seals off an internal compartment within the recreational vehicle 24. Antos et al. does not disclose a square shaped second passageway located adjacent a floor and vertically above at least one front wheel and at least one rear wheel and longitudinally between a first door and the at least one rear wheel and extending transversely between an interior and an exterior of the motor vehicle for loading and unloading items through the second passageway and a second door connected to the vehicle body and rotatable longitudinally to open and close the second passageway.

As to claim 12, claim 12, as amended, clarifies the invention claimed as a motor home including a vehicle body extending longitudinally and having sides, a floor, and a roof defining an interior, at least one front wheel operatively connected to the vehicle body, and at least one rear wheel operatively connected to the vehicle body. The motor vehicle also includes a first passageway located longitudinally between the at least one front wheel and the at least one rear wheel and extending transversely between the interior and an exterior of the motor vehicle and having a height greater than a width thereof to allow an occupant to enter and exit the interior. The motor vehicle includes a first door connected to the vehicle body and rotatable longitudinally to open and close the first passageway. The motor vehicle further includes a

square shaped second passageway located adjacent the floor and vertically above at least one front wheel and at least one rear wheel and longitudinally between the first door and the at least one rear wheel and extending transversely between the interior and the exterior of the motor vehicle for loading and unloading items through the second passageway. The motor vehicle includes a second door connected to the vehicle body and rotatable longitudinally to open and close the second passageway. Claim 13 has been amended similar to claim 12 and includes other features of the present invention.

None of the references cited, either alone or in combination with each other, teach or suggest the claimed invention of claims 12 and 13. Specifically, Perlot '650 merely discloses a bed for a recreational vehicle such as a motor home having, in its interior, a side wall on a passenger side and a side wall on a drivers side. Perlot '650 lacks a square shaped second passageway located adjacent a floor and vertically above at least one front wheel and at least one rear wheel and longitudinally between a first door and at least one rear wheel and extending transversely between an interior and an exterior of the motor vehicle for loading and unloading items through the second passageway. Blair '299 merely discloses an expanding camper arrangement in which a compartment of a camper body has a door through which occupants leave and enter, and also space which can be used for hauling cargo or storage that is accessible through doors in the sides of the compartment. Blair '299 lacks a motor vehicle including a vehicle body extending longitudinally and having sides, a floor, and a roof defining an interior, at least one front wheel operatively connected to the vehicle body, at least one rear wheel operatively connected to the vehicle body, and a square shaped second passageway located adjacent a floor and vertically above at least one front wheel and at least one rear wheel and longitudinally between a first door and the at least one front wheel and extending transversely between the interior and an exterior of the motor vehicle for loading and unloading items through

the second passageway and a second door connected to the vehicle body and rotatable longitudinally to open and close the second passageway. Antos et al. '466 merely discloses a flush service door for a RV in which a RV door assembly is installed in a cutout or opening in a wall of a recreational vehicle such as a motor home. Antos et al. '466 lacks a square shaped second passageway located adjacent a floor and vertically above at least one front wheel and at least one rear wheel and longitudinally between a first door and at least one rear wheel and extending transversely between an interior and an exterior of the motor vehicle for loading and unloading items through the second passageway and a second door connected to the vehicle body and rotatable longitudinally to open and close the second passageway. There is no suggestion or motivation for combining Perlot '650, Blair '299, and Antos et al. '466 together.

Further, the CAFC has held that "[t]he mere fact that prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification". In re Gordon, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). The Examiner has failed to show how the prior art suggested the desirability of modification to achieve Applicant's invention. Thus, the Examiner has failed to establish a case of prima facie obviousness. Therefore, it is respectfully submitted that claims 12 and 13 are allowable over the rejection under 35 U.S.C. § 103.

Obviousness under § 103(a) is a legal conclusion based on factual evidence (In re Fine, 837 F.2d 1071, 1073, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988)), and the subjective opinion of the Examiner as to what is or is not obvious, without evidence in support thereof, does not suffice. The Examiner may not, because he/she doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. See In re Warner, 379 F. 2d 1011, 154 U.S.P.Q. 173 (C.C.P.A. 1967). Because the Examiner has not provided a sufficient factual basis that is supportive of his/her position (see In

re Warner, 379 F.2d 1011, 1017, 154 U.S.P.Q. 173, 178 (C.C.P.A. 1967), cert. denied, 389 U.S. 1057 (1968)), the rejections of claims 1 through 13 are improper.

Based on the above, it is respectfully submitted that the claims are in a condition for allowance or in better form for appeal. Applicants respectfully request reconsideration of the claims and withdrawal of the final rejection. It is respectfully requested that this Amendment be entered under 37 C.F.R. 1.116.

Respectfully submitted,

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APPENDIX A**VERSION OF THE CLAIMS WITH MARKINGS TO SHOW THE CHANGES**

Please amend claims 1, 12, and 13 as follows:

1. (TWICE AMENDED) A motor vehicle comprising:

a vehicle body extending longitudinally and having sides, a floor, and a roof defining an interior;

at least one front wheel operatively connected to said vehicle body;

at least one rear wheel operatively connected to said vehicle body;

a first passageway located longitudinally between said at least one front wheel and said at least one rear wheel and extending transversely between said interior and an exterior of the motor vehicle and having a height greater than a width thereof to allow an occupant to enter and exit said interior;

a first door connected to said vehicle body and rotatable longitudinally to open and close said first passageway;

a second passageway located adjacent said floor and vertically above said at least one front wheel and said at least one rear wheel and longitudinally between said [at least one front wheel] first door and said at least one rear wheel and extending transversely between said interior and [an] the exterior of the motor vehicle for loading and unloading items through said second passageway, said second passageway having a width thereof at least equal to a height thereof; and

a second door connected to said vehicle body [between said interior and the exterior] and rotatable longitudinally to open and close said second passageway.

12. (AMENDED) A motor home comprising:

a vehicle body extending longitudinally and having sides, a floor, and a roof defining an interior;

at least one front wheel operatively connected to said vehicle body;

at least one rear wheel operatively connected to said vehicle body;

a first passageway located longitudinally between said at least one front wheel and said at least one rear wheel and extending transversely between said interior and an exterior of the motor vehicle and having a height greater than a width thereof to allow an occupant to enter and exit said interior;

a first door connected to said vehicle body and rotatable longitudinally to open and close said first passageway;

a square shaped second passageway located adjacent said floor and vertically above said at least one front wheel and said at least one rear wheel and longitudinally between said [at least one front wheel] first door and said at least one rear wheel and extending transversely between said interior and [an] the exterior of the motor vehicle for loading and unloading items through said second passageway; and

a second door connected to said vehicle body [between said interior and the exterior] and rotatable longitudinally to open and close said second passageway.

13. (AMENDED) A motor vehicle comprising:

a vehicle body extending longitudinally and having sides, a floor, and a roof defining an interior;

at least one front wheel operatively connected to said vehicle body;

at least one rear wheel operatively connected to said vehicle body;

a first passageway located longitudinally between said at least one front wheel and said at least one rear wheel and extending transversely between said interior and an exterior of the motor vehicle and having a height greater than a width thereof to allow an occupant to enter and exit said interior;

a first door connected to said vehicle body and rotatable longitudinally to open and close said first passageway;

a second passageway located adjacent said floor and vertically above said at least one front wheel and said at least one rear wheel and longitudinally between said [at least one front wheel] first door and said at least one rear wheel and extending transversely between said interior and [an] the exterior of the motor vehicle for loading and unloading items through said second passageway, said second passageway having a width less than two feet and a height less than two feet; and

a second door connected to said vehicle body [between said interior and the exterior] and rotatable longitudinally to open and close said second passageway.